

# Wetlands Bureau Decision Report

Decisions Taken  
03/27/2006 to 04/02/2006

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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**2005-00164                      NH DEPT OF TRANSPORTATION**  
**BERLIN   Dead River**

**Requested Action:**

Request to amend the permit to relocate 75 feet of stream (900 sq. ft.) to allow extending a box culvert 26 ft. at approximately STA 32+52.

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**APPROVE AMENDMENT:**

Reroute 75 feet of stream to align flow toward a box culvert to be extended 26 ft, extend a 3 ft. x 3 ft. box culvert 10 feet, replace a 24 in. x 37 ft. culvert with a 24 in. x 40 ft. culvert, and fill slopes in three location impacting 3,767 sq. ft. (204 sq. ft. temporary) of riverine and palustrine wetlands along the railroad track to allow for the relocation of existing sidings necessitated by the replacement of the St. Lawrence & Atlantic railroad bridge over Rt. 110. Mitigate stream relocation by reusing wetland soil and plants along the channel banks. NHDOT project #12958.

**With Conditions:**

1. All work shall be in accordance with plans:
  - a. By NHDOT Bureau of Highway Design and TranSystems Corp. dated October 28, 2004        as received by the Department on January 21, 2005 and
  - b. By Tech Associates received by the Department on March 21, 2006.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.

**With Findings:**

1. This is a major impact project per Administrative Rule Wt 303.02(i), alteration of more than 200 linear feet of channel and banks.
2. The relocation of the stream is a modification from the originally proposed skewed culvert and will allow better alignment to the existing culvert.
3. The modification is preferred to align the flow toward the culvert and is allowable due to the recent agreement with the abutter.
4. The utilization of the existing wetland soil and vegetation will replace the existing channel as mitigation.
5. Review finds that there will not be a significant impact on the resources of this palustrine ecosystem as protected by RSA 482-A and therefore a public hearing is not required.

**2005-00322                      GERRIOR LANE TRUST, PETER DAIGLE TTEE**  
**BARRINGTON   Unnamed Wetland**

Requested Action:

Amend permit to include revised mitigation involving contribution of \$4000 to the Barrington Conservation Commission for monitoring and enforcement of conservation easements, and creation and monitoring of four vernal pools.

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Conservation Commission/Staff Comments:

Conservation Commission is willing to hold easement; had concerns which the applicant has addressed.

Inspection Date: 05/27/2005 by Dori A Wiggin

APPROVE AMENDMENT:

Dredge and fill a total 27,320 square feet of wetlands over seven locations for grading and culvert installation for construction of a subdivision road on the Barrington side of the Gerrior Lane Trust subdivision, a 37-lot subdivision that spans both Barrington and Nottingham on a total of 116 acres, with 84 acres and 25 lots located in the Barrington side.

Approve as mitigation preservation of upland buffer by a conservation easement on a total of 35.58 acres of the 84-acre Barrington side, including 18.54 acres of upland and 17.04 acres of wetland, contribution of \$4000 to the Barrington Conservation Commission for monitoring and enforcement, and creation and monitoring of four vernal pools.

With Conditions:

1. All work shall be in accordance with plans entitled "Existing Conditions Plan - The Homestead, Gerrior Lane Trust..." Sheets 7, 8, and 9 of 9 by Doucet Survey Inc. dated March 8, 2004, as received by the Department on February 16, 2005; per plans entitled "Homestead Lane - Nottingham and Barrington NH - Wetland Impact Plan" sheets 1 & 2 by Appledore Engineering dated September 15, 2004 as received by DES on May 2, 2005; per plans entitled "Proposed Easement Plan - The Homestead" sheets 1,2,3 by Doucet Survey Inc. dated June 15, 2004 as received by DES on May 2, 2005; per per revised plans entitled "Homestead Lane - Nottingham and Barrington NH" sheets C1,C2,C3,C6,C7,C10,C11 by Appledore Engineering dated December 6, 2004 as received by DES on May 2, 2005; per per revised plans entitled "Homestead Lane - Nottingham and Barrington NH" sheets C4,C5,C8, & C9 by Appledore Engineering dated June 30, 2005 as received by DES on July 8, 2005..
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Work shall be done during low flow.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

Wetland preservation:

1. AMENDED: This permit is contingent upon the execution of a conservation easement on 35.58 acres to be held by the Town of Barrington, with the Barrington Conservation Commission as steward, as depicted on plans by Appledore Engineering Inc. entitled "Homestead Lane - Wetland Impact and Conservation Plan" dated 5/23/2005, received 5/25/2005; and per plans by Doucet Survey Inc. entitled "Proposed Easement Plan - The Homestead, Gerrior Lane Trust", sheets 1-3, dated 6/15/2004 as received on 5/25/2005. Permit is further contingent upon execution of cash contribution to the Barrington Conservation Commission of \$4,000, and upon execution of the mitigation plan for construction and monitoring of four vernal pools and associated activities as described in the revised mitigation proposal addressed to Paul Minkin, ERS Scientist, US Army Corps of Engineers, New England District, dated 2/6/2006, as received by the Department on 2/9/2006.
2. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and

future property owners shall be subject to this easement.

3. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.

4. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.

5. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.

6. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.

7. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

8. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

#### With Findings:

1. The revised mitigation plan reflects response by the applicant to comments from the US Army Corps of Engineers and associated federal commenting agencies, particularly EPA.

2. The revised and expanded mitigation approved in this amendment exceeds the requirements of Administrative Rule Wt 803.05 Compensatory Mitigation Ratios.

#### **2005-01290                      LIBERTY MUTUAL DOVER   Unnamed Wetland**

#### Requested Action:

Request Amendment to conservation easement to include an additional 6.5 acre tract to bring the total conservation easement area to 16.3 acres on permit to: Dredge and fill a total of 42,167 sq. ft. of palustrine forested wetlands, containing a perennial stream, being a tributary to the Cocheco River, for the purpose of constructing a new 86,250 sq. ft. office building with appurtenant roadways, parking, drainage structures and landscaping at the existing 225-acre Liberty Mutual business campus.

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#### Conservation Commission/Staff Comments:

The Dover Conservation Commission initially intervened on the application, then voted to endorse the NHDES dredge and fill application with recommendations which have been incorporated into the permit conditions.

Inspection Date: 07/22/2005 by Frank D Richardson

#### APPROVE AMENDMENT:

Approve Amendment to conservation easement to include an additional 6.5 acre tract to bring the total conservation easement area to 16.3 acres on permit to: Dredge and fill a total of 42,167 sq. ft. of palustrine forested wetlands, containing a perennial stream, being a tributary to the Cocheco River, for the purpose of constructing a new 86,250 sq. ft. office building with appurtenant roadways, parking, drainage structures and landscaping at the existing 225-acre Liberty Mutual business campus.

#### With Conditions:

1. All work shall be in accordance with plans by Vanasse Hangen Brustlin, Inc. dated May 25, 2005, as received by the Department on June 09, 2005.

2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

3. This permit is contingent on approval by the DES Site Specific Program.

4. The permittee shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's affect on historic resources.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Pease Field Office in Portsmouth, N.H. to review the conditions of this Wetlands Permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, the professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. Record approved plan with conservation easement for each appropriate lot or designated area within 30 days from receipt of this decision and submit a certified receipt from the Strafford County Registry of Deeds to the DES Wetlands Bureau.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. Silt fencing must be removed once the area is stabilized.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. Work shall be done during low flow.
16. DES Coastal Region staff shall be notified in writing prior to commencement of work and upon its completion.

COMPENSATORY MITIGATION: Land resources preservation

1. This permit is contingent upon the execution of a conservation easement on 9.8 acres as described in the "Mitigation Measures" narrative contained in the wetlands application (pp. 12-15) and depicted on plans received June 09, 2005.
  - 1a. Amend conservation easement to include an additional 6.5 acre tract to bring the total conservation easement area to 16.3 acres.
  - 1b. On February 15, 2006 the Department received the "Conservation Easement Deed" together with the "Conservation Easement Baseline Report" including the "Conservation Easement Plan", dated February 1, 2006, submitted by Vanasse Hangen Brustlin, Inc. and hereby, through this permit amendment, the Department acknowledges acceptance of these documents as being in compliance with the conditions set forth below.
2. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
3. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the Strafford County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
4. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
5. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments prior to construction.
6. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
7. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
8. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c), alteration of nontidal wetlands, nontidal surface waters,

and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on July 22, 2005. Field inspection determined the project as proposed is reasonable for this site and the mitigation proposed adequately compensates for wetlands impacts and losses.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this palustrine wetland ecosystem.
7. The Amended conservation easement includes an additional 6.5 acre tract to bring the total conservation easement area to 16.3 acres.
8. On February 15, 2006 the Department received the "Conservation Easement Deed" together with a "Conservation Easement Baseline Report" and hereby, through this permit amendment, the Department acknowledges acceptance of these documents as being in compliance with the project specific conditions under Compensatory Mitigation.

**2005-01609                      COLEBROOK SCHOOL DISTRICT**  
**COLEBROOK   Unnamed Wetland**

**Requested Action:**

Fill 128,938 square feet of wetlands (2.96 acres) to expand and re-configure athletic fields used by the Colebrook school district and local community.

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Inspection Date: 04/15/2005 by Craig D Rennie

**APPROVE PERMIT:**

Fill 128,938 square feet of wetlands (2.96 acres) to expand and re-configure athletic fields used by the Colebrook school district and local community.

**With Conditions:**

1. All work shall be in accordance with revised plans by Horizons Engineering dated June 28, 2005, as received by the Department on July 11, 2005.
2. This permit is contingent on approval by the DES Site Specific Program.
3. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices

for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

**MITIGATION CONDITIONS:**

11. This permit is contingent upon the execution of a conservation easement on 30 acres of undeveloped land as depicted on plans received July 11, 2005.
12. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
13. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
14. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
15. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
16. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
17. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

**With Findings:**

1. This is a Major Project per NH Administrative Rule Wt 303.02(c), as wetland impacts are greater than 20,000 square feet.
2. DES staff conducted a pre-application meeting and field inspection of the proposed project on April 15, 2005 and determined that the proposed wetland impact areas appear to be previously disturbed from past agricultural and ditching activities that were sponsored by the USDA Natural Resource Conservation Service. During the pre-application meeting, DES staff recommended that the applicant meet with federal resource agencies for regulatory guidance.
3. The applicant's agent held additional pre-application meetings during the summer of 2005 with the Army Corps of Engineers and the US Fish & Wildlife Service, as well as initiated phone conversations with the Environmental Protection Agency, and the National Marine Fisheries Service.
4. The project is necessary to meet the current and proposed programs by the school athletic programs and town recreational activities. There are no other athletic or recreation fields in Colebrook, and the current field serves additional communities such as Columbia, Errol, Stewartstown, and Vermont border communities; therefore, the need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
6. To mitigate the proposed wetland impacts, the applicant is proposing to execute a conservation easement on 30 acres of undeveloped land adjacent to the current NH Department of Recreation and Economic Development owned parcel known as the Beaver Brook Falls Scenic Area. The protection of this 30 acres parcel meets the requirements and ratios of the Mitigation Rules under Chapter Wt 800.
7. Based on US Fish & Wildlife Service recommendations for additional mitigation, an abutting property to the south of the proposed impact area, which is an existing mowed pasture with hydric soils, will be allowed to grow back into wetlands vegetation by discontinuing annual mowing to an area of approximately 3 acres in size.
8. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
9. The public hearing is waived with the finding that the on-site wetlands have all been historically impacted and drained by past logging and agricultural activities, as well as by more recent highway and/or school construction; therefore, the project does not propose to impact wetlands resources with significant functions and values within this watershed.

Requested Action:

Appellant requests reconsideration of the Department's February 8, 2006 decision to approve the replacement of an existing 2 slip docking structure with a 6 slip docking structure on 382 feet of frontage on Lake Sunapee based on failure to meet Rule Wt 402.20.

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Conservation Commission/Staff Comments:

No Con Com comments by Jan 5, 2006

Inspection Date: 02/01/2006 by Jeffrey D Blecharczyk

DENY RECONSIDERATION:

Reconsider and reaffirm approval of permit to: Permanently remove an existing 6 ft by 44 ft permanent walkway over public waters, permanently remove an existing 4 ft by 30 seasonal dock, construct three 6 ft by 30 ft permanent piling docks connected by two 6 ft by 20 ft permanent walkways in a "W" configuration, install four, 3 piling ice clusters, and install 9 tie off piles, on an average of 382 ft of frontage on Lake Sunapee, Newbury.

With Findings:

Grounds for Reconsideration

1. The Appellant maintains that the proposed docking facility will have a larger sq ft surface area of impact than the existing structures and therefore violates the requirements of Rule Wt 402.20.
2. The Appellant maintains that the proposed docking facility provide for a larger number of boat slips and therefore violates the requirements of Rule Wt 402.20.
3. The Appellant maintains that the proposed docking facility is larger than the existing docking facility and therefore is not less environmentally impacting and violates the requirements of Rule Wt 402.20.
4. The Appellant maintains that the approval of additional slips will not lessen congestion in this area and therefore fails to meet the requirements of Rule Wt 402.12, Frontage Over 75'.

Standards for Approval

5. In accordance with Rule Wt 402.12, Frontage Over 75', "in order to lessen congestion, improve public safety and navigation..." the number of slips permitted on a frontage shall be limited to no more than 2 slips on the first 75 feet of frontage with one additional slip allowed for each additional 75 feet of frontage.
6. In accordance with Rule Wt 204.04, Criteria, a rule may be waived if granting the waiver will not result in an adverse impact to the environment or natural resources or an greater impact to the abutters than a compliance with the rule would allow and granting the request is consistent with the intent and purpose of the rule being waived.
7. In accordance with Rule Wt 401.01, Purpose, the purpose of the rules established in Chapter Wt 400 is to protect the public trust and other interests of the state of NH, by establishing requirements for the design and construction of structures in order to prevent unreasonable encroachment on the surface waters of the State.

Finding of Fact

8. The Applicant has an average of 382 feet of frontage along Lake Sunapee in Newbury.
9. In accordance with Rule Wt 402.12, six slips may be permitted on 382 feet of shoreline frontage.
10. Under the current rules established within Chapter 400 the Applicant could remove the existing shoreline structures and construct 1,440 sq ft of new, fully compliant structures providing 6 slips on this frontage.
11. The impact area of the structures as proposed will be 1,039 sq ft, 401 sq ft less than could be constructed under the current rules.

Rulings in Support of the Decision

12. The 6 slips provided by the proposed structure are within the number of slips allowed on this frontage by Rule Wt 402.12, therefore the Appellant's assertion that the project fails to meet the requirement of this rule is incorrect.
13. The impact area of the proposed structures is smaller in size than that which could be approved under the current rules, therefore



waiving Rule Wt 402.20, to allow this proposal would be consistent with the purpose of the rules as stated in Rule Wt 401.01.

14. Waiving Rule Wt 402.20 to allow the project as proposed will not adversely affect the environment or natural resources or allow any greater impact to the abutting property than would result from a compliant structure.

15. The requirements of Rule Wt 402.20, have been waived in accordance with the criteria established in Rule Wt 204.04, therefore the Appellant's assertions that the proposed project fails to meet the requirement of Rule Wt 402.20 are without merit.

-Send to Governor and Executive Council-

**2005-02900                      BARRINGTON, TOWN OF**  
**BARRINGTON   Unnamed Stream Little Long Pond**

**Requested Action:**

Impact 1,050 square feet in and adjacent to Barrington's Little Long Pond designated prime wetlands for culvert extension and new headwall construction, and guardrail installation in road shoulder to improve roadway safety.

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**Conservation Commission/Staff Comments:**

Conservation Commission supports the application.

**APPROVE PERMIT:**

Impact 1,050 square feet in and adjacent to Barrington's Little Long Pond designated prime wetlands for culvert extension and new headwall construction, and guardrail installation in road shoulder to improve roadway safety.

**With Conditions:**

1. All work shall be in accordance with plans by Norway Plains Associates Inc. dated 11/8/2005, as received by the Department on 12/7/2005.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
4. Erosion control and construction sequence notes on the approved plans shall be explicitly followed.
5. A professional engineer shall inspect the project to insure compliance with approved plans and permit conditions.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. Silt fencing must be removed once the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
11. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
12. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
13. Temporary cofferdams shall be entirely removed immediately following construction.
14. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be

stabilized within 14 days by seeding and mulching.

17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

18. Proper headwalls shall be constructed within seven days of culvert installation.

19. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).

20. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

21. Work shall be done during low flow.

#### With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.

2. A prime wetlands public hearing was held on the application on 3/22/2006.

3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The road shoulder is narrow and eroded in this location, and accidents have occurred. The project will correct the problem and improve public safety.

4. The applicant has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The project is confined to minimal culvert extension necessary to construct a standard headwall, and placement of guardrail in road shoulder.

5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

6. The detailed engineering plans accurately locate the boundary of the wetlands and prime wetlands.

7. The erosion controls, water velocity controls, grass treatment swales, stabilization methods, culvert sizing and invert elevations will protect the ability of the wetlands to retain floodwaters and silt.

8. The project as approved and constructed in adherence to the provided construction sequence, erosion controls, water treatment system and maintenance program offsets impact from any increased runoff created by the development.

9. Based on findings #1-8 above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Wt 703.01 Criteria for Approval.

#### MINOR IMPACT PROJECT

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**2003-02106                      LETENDRE, WILLIAM**  
**TILTON   Unnamed Wetland**

#### Requested Action:

Correct permit description to read: Dredge and fill 7206 square feet of palustrine forested wetland for access in the cluster condo development of 58.760 acres into 86 condominium units with approximately 35.3 acres of conservation easement to be stewarded by the Tilton Conservation Commission.

\*\*\*\*\*

#### Conservation Commission/Staff Comments:

The conservation commission did not comment on this application.

#### APPROVE AMENDMENT:

Dredge and fill 7206 square feet of palustrine forested wetland for access in the cluster condo development of 58.760 acres into 86

condominium units with approximately 35.3 acres of conservation easement to be stewarded by the Tilton Conservation Commission.

With Conditions:

1. All work shall be in accordance with plans by Holden Engineering and Surveying Inc dated August 8, 2003, and revised through July 13, 2005 as received by the Department on September 9, 2005.
2. This permit is contingent on approval by the DES Site Specific Program.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. Work shall be done during low flow.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Culvert outlets shall be protected in accordance with the Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. Silt fencing must be removed once the area is stabilized.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a correction to the original permit description.

Requested Action:

Approve name change to: R. J. Moreau Communities, LLC, 22 Eastman Ave., Bedford NH 03110 per request received 3/27/2006.

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APPROVE NAME CHANGE:

Dredge and fill 7206 square feet of palustrine forested wetland for access in the cluster condo development of 58.760 acres into 86 condominium units with approximately 51 acres of conservation easement to be stewarded by the Tilton Conservation Commission.

With Conditions:

1. All work shall be in accordance with plans by Holden Engineering and Surveying Inc dated August 8, 2003, and revised through July 13, 2005 as received by the Department on September 9, 2005.
2. This permit is contingent on approval by the DES Site Specific Program.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.

7. Work shall be done during low flow.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Culvert outlets shall be protected in accordance with the Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. Silt fencing must be removed once the area is stabilized.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.02.

**2004-03034                      NH DEPT OF TRANSPORTATION**  
**TAMWORTH   Bryant Brook**

Requested Action:

Replace a 5 ft. wide x 9 ft. high box culvert with an 8 ft. wide x 5 ft. high x 40 ft. box culvert, add stone fill on the southeast slope to stabilize the embankment, construct new headers and wing walls impacting 2,400 sq. ft. of a perennial stream and banks (800 sq. ft. temporary).

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Inspection Date: 08/25/2005 by Gino E Infascelli

APPROVE PERMIT:

Replace a 5 ft. wide x 9 ft. high box culvert with an 8 ft. wide x 5 ft. high x 40 ft. box culvert, add stone fill on the southeast slope to stabilize the embankment, construct new headers and wing walls impacting 2,400 sq. ft. of a perennial stream and banks (800 sq. ft. temporary). NHDOT project #M302-4.

With Conditions:

1. All work shall be in accordance with plans by NHDOT dated 11/29/05 as received by the Department on February 16, 2006.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and

areas cleared of vegetation to be revegetated as quickly as possible.

8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(i), alteration of more than 200 linear feet of bank and channel.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The original application request was to repair and extend a 5 ft. wide x 9 ft. high box culvert by 7 ft. at the outlet and 6 ft. at the inlet impacting 2,400 sq. ft. (800 sq. ft. temporary) of a perennial stream.
6. DES Staff conducted a field inspection of the proposed project on August 25, 2005. Field inspection determined that the width between the two guardrails is only 24 ft. and presents a safety problem during plowing operations, especially with the adjacent corner in the road and minimum sight distance.
6. Also during the inspection the adjacent southeast embankment was found to be extremely steep and due to concerns of stability it was suggested the slope be lessened.
7. The modified plan addresses the recommendation to widen the culvert.

**2005-01142                      NH DEPT OF TRANSPORTATION**  
**WINCHESTER    Unnamed Stream**

Requested Action:

Impact 1,620 sq. ft. of intermittent stream and banks (940 sq. ft. temporary) to replace the current drainage structures, add 85 feet of drainage pipe and a catch basin.

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Inspection Date: 02/08/2006 by Gino E Infascelli

APPROVE PERMIT:

Impact 1,620 sq. ft. of intermittent stream and banks (940 sq. ft. temporary) to replace the current drainage structures, add 85 feet of drainage pipe and a catch basin. (NHDOT project #M410-1).

With Conditions:

1. All work shall be in accordance with plans by NHDOT District 4 dated 2/3/05, as received by the Department on May 26, 2005.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Work shall be done during low flow.
10. Current disturbed areas shall be stabilized by July 1, 2006.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(l), alteration of less than 200 linear feet of stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence, which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. Approval of catch basins and drainage pipes in this location appears to be appropriate, as the road grade does not allow for many choices to convey water in an open channel or provide substantial treatment of flows. Approval of the project will allow stabilization of the system within the ROW.
6. The work started, as a result of substantial flooding events of October 2005, is not complete and needs further stabilization in the near future.
7. The River Advisory Committee requested the catch basins have sediment traps.
8. The DOT responded by stating the catch basins have sumps by design.
9. Adding a catch basin will provide a limited benefit. Inspection on February 8, 2006 found that the existing Catch Basins are either full or do not have sumps and therefore provide a limited capacity to remove sediment.
10. The slope of the road reduces substantial treatment opportunities within the right of way (ROW). Areas uphill of the project and outside of the ROW could be stabilized and reduce some of the sediment carried to the road. The drainage grade lessens outside of the project area and the proposed work is at least 300 feet from the River.
11. The conditions of the approval require stabilization in the near future.

**2005-01524                      TILTON, TOWN OF**  
**TILTON   Unnamed Wetland**

Requested Action:

Dredge and fill a total of 5835 square feet of jurisdictional area for road widening, drainage improvements and sewer installation further described as follows: Temporarily impact 3955 square feet of perennial stream and palustrine wetland for installation of a sewer line; and Permanently impact 1880 square feet of palustrine forested wetland, intermittent stream and man made drainage ditch.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Tilton Conservation Commission did not comment on this application.

APPROVE PERMIT:

Dredge and fill a total of 5835 square feet of jurisdictional area for road widening, drainage improvements and sewer installation further described as follows: Temporarily impact 3955 square feet of perennial stream and palustrine wetland for installation of a sewer line; and Permanently impact 1880 square feet of palustrine forested wetland, intermittent stream and man made drainage ditch.

With Conditions:

1. All work shall be in accordance with plans by The Turner Group dated June 17, 2005, and revised through February 21, 2006, as received by the Department on March 8, 2006.
2. This permit is contingent on approval by the DES Site Specific Program.
3. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
4. Work shall be conducted in the dry and during low water conditions.
5. Work authorized shall not occur in fish spawning or nursery areas during the reproductive season, or within waterfowl nursery areas during the critical nesting period.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain

until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
10. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
11. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed two consecutive days in total unless specifically authorized in writing by the Wetlands Bureau.
12. Temporary cofferdams shall be entirely removed immediately following construction.
13. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction of the crossing.
14. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
15. Dredged material, including sidecast to be reused shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
16. Area of temporary impact shall be regraded to original contours following completion of work.
17. Mulch within the restoration area shall be straw.
18. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
19. A post-construction report documenting the status of the restored jurisdictional areas, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

**With Findings:**

1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2005-01734                      LAMBERT, SCOTT**  
**SWANZEY   Forbrush Brook**

**Requested Action:**

Dredge and fill 236 square feet of perennial stream bed and bank to install a 6 foot x 25 foot culvert.

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Inspection Date: 09/26/2005 by Gino E Infascelli

**APPROVE PERMIT:**

Dredge and fill 48 linear feet of perennial stream bank for the installation of a bridge to provide access across Forbrush Brook .  
Work includes installation of erosion, sedimentation and turbidity controls, precast concrete block abutments and bridge decking.

**With Conditions:**

1. All work shall be in accordance with plans by Landmark Land Services, LLC revised dated March 14, 2006, as received by the Department of Environmental Services ("Environmental Services") on March 20, 2006.
2. This permit is contingent on submittal to and approval by Environmental Services of Restoration and Sedimentation Control Plan as conditioned by paragraph #8 and #9 of the applicant's Consent Decree, Docket No. 03-E-0033.

3. This permit is for access to property identified on Town of Swanzev Tax Maps as Tax Map 3 Lot 35-2 and Map 15 Lot 1 ("the Property"). Any additional work on the Property other than restoration and sedimentation control approved by Environmental Services will require a Site Specific Application approved by Environmental Services as conditioned by paragraph #11 of the applicant's Consent Decree, Docket No. 03-E-0033.
4. Any further alteration of areas on this Property that are within the jurisdiction of the Environmental Services will require a new application and further permitting by the Environmental Services.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Work shall be done during low flow.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
9. There shall be no excavation or operation of construction equipment in flowing water.
10. No equipment shall enter surface waters or wetlands.
11. A post-construction report documenting the status of the restoration area with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
12. The applicant shall notify Environmental Services in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1); projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Wt 303.04(n).
2. The proposed project is associated with Wetlands Bureau Enforcement file #2001-00855.
3. The Conservation Commission submitted comments regarding concerns of slope stabilization around the culvert. The Commission approved the project provided that soils are loamed and seeded once the culvert is in place and the erosion controls are maintained until vegetation is well established.
4. The permit application has been amended to install a bridge.
5. The permit is contingent on appropriate sediment, erosion and turbidity controls.
6. The permit is contingent on submittal to and approval by Environmental Services of a Restoration and Sedimentation Control Plan as conditioned by paragraph #8 and #9 of the applicant's Consent Decree, Docket No. 03-E-0033.
7. The permit is for access to property identified on Town of Swanzev Tax Maps as Tax Map 3 Lot 35-2 and Map 15 Lot 1 ("the Property"). Any additional work on the Property other than restoration and sedimentation control approved by Environmental Services will require a Site Specific Application approved by Environmental Services as conditioned by paragraph #11 of the applicant's Consent Decree, Docket No. 03-E-0033.
8. The New Hampshire Fish and Game Department (NHFG) records indicate that the wood turtle a State listed Species of Concern has been identified in the vicinity of the project. NHFG requested an open bottom box culvert or bridge 1.2x bank full-width be used within perennial streams in order to provide aquatic species passage.
9. A bridge with abutments in the upper portion of the banks has been proposed for the project.
10. DES Staff conducted a field inspection of the property on September 26, 2005.

**2005-02181                      NH DEPT OF TRANSPORTATION**  
**STODDARD   Unnamed Stream**

Requested Action:



Replace culverts, replace/ repair headwalls, improve slopes and drainage along with other safety improvements impacting 5,780 sq. ft. of palustrine and riverine wetlands (450 sq. ft. temporary).

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Conservation Commission/Staff Comments:

No comments from either Cons. Comm.

APPROVE PERMIT:

Replace culverts, replace/ repair headwalls, improve slopes and drainage along with other safety improvements impacting 5,780 sq. ft. of palustrine and riverine wetlands (450 sq. ft. temporary). NHDOT project #14369.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 8/18/05, as received by the Department on September 19, 2005 and the location plans received on March 22 and 29, 2006.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Construction equipment shall not be located within surface waters.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
12. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
13. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
14. The impacts associated with the temporary work shall be restored immediately following construction.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 sq. ft. of non-tidal wetlands or surface waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

Requested Action:

Dredge and fill 2,989 square feet of riverine and palustrine scrub-shrub wetlands to replace an 8-foot(rise) x 6-foot(span) x 22-foot(length) bottomless concrete box culvert with an 8-foot(rise) x 8-foot(span) x 30-foot(length) concrete box culvert with wingwalls, and associated road improvements on a public roadway impacting 150 linear feet in the banks and bed of the channel.

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APPROVE PERMIT:

Dredge and fill 2,989 square feet of riverine and palustrine scrub-shrub wetlands to replace an 8-foot(rise) x 6-foot(span) x 22-foot(length) bottomless concrete box culvert with an 8-foot(rise) x 8-foot(span) x 30-foot(length) concrete box culvert with wingwalls, and associated road improvements on a public roadway impacting 150 linear feet in the banks and bed of the channel.

With Conditions:

1. All work shall be in accordance with plans by Provan & Lorber, Inc. dated February 2006, as received by the DES Wetlands Bureau on February 14, 2006.
2. Any future work at this site that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. All work shall be done during low flow.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Silt fence(s) must be removed once the area is stabilized.
9. The culvert shall be embedded and native material removed from the streambed during culvert installation shall be stockpiled separately and reused to emulate a natural stream channel bottom within the culvert. Any nonnative materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
10. Temporary structures installed to channel flow through the work area during construction shall be entirely removed immediately following construction.
11. Impacted areas shall be restored to their original grades and to a stable condition within three days of completion of construction.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Areas from which vegetation has been cleared to gain access to the site shall be replanted with similar native (noninvasive) species.
14. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
16. Faulty equipment shall be repaired prior to entering jurisdictional areas.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(l), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Wt 303.04(n). For intermittent streams, this distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The wingwalls of the existing bottomless concrete box culvert are failing and causing the road surface to collapse. Installing a new longer culvert will prevent

further collapse of the road while allowing widening of the road travel surface from one lane to two lanes.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Wt 302.03. The failing bottomless concrete box culvert will be replaced with a pre-cast four sided concrete box culvert. The replacement culvert will be installed in the same location and at the same alignment as the existing structure. Wingwalls will limit fill slope extension into wetlands and riparian areas. The culvert will be embedded and native material (removed from the streambed during culvert installation) will be placed in the culvert to emulate a natural stream channel bottom within the culvert.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The stream will be diverted through the work area using jersey barriers, sand bags, and a temporary culvert. Temporary structures installed to channel flow through the work area during construction shall be entirely removed immediately following construction.
6. The applicant has submitted a hydraulic analysis report demonstrating that the hydraulic capacity of the proposed box culvert is greater than that of the existing box culvert.
7. The project will impact an unnamed perennial stream and associated palustrine scrub-shrub wetlands that outlet to Gillingham Pond. Approximately 120 feet upstream of the culvert is a municipal fire pond.
8. Per Wt 501.01, abutter notification shall not be required for public highway construction.
9. All proposed work is being conducted within the road right-of-way.

**2005-02905                      CONTI, JOSEPH**  
**EAST KINGSTON   Unnamed Wetland**

**Requested Action:**

Impact 3,466 square feet of jurisdictional wet meadow for the construction of an 18-foot wide driveway and installation of a 12-inch by 40-foot culvert for access to a single family building lot of 4.64 acres as part of a 2-lot subdivision of 10.16 acres.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

No comments were recieved from the East Kingston Conservation Commission

**APPROVE PERMIT:**

Impact 3,466 square feet of jurisdictional wet meadow for the construction of an 18-foot wide driveway and installation of a 12-inch by 40-foot culvert for access to a single family building lot of 4.64 acres as part of a 2-lot subdivision of 10.16 acres.

**With Conditions:**

1. All work shall be in accordance with the Subdivision Site Plan (Sheet 1 of 1) by Civil Construction Management Inc., as received by the Department on March 15, 2006.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Work shall be done during seasonal low flow conditions.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. The culvert shall be laid at the existing grade.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

**With Findings:**

1. This is a minor impact project per Administrative Rule Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01, as these impacts are necessary for access to buildable uplands.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03, as an existing woods road will be utilized.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2005-02937                      ANDERSON, RICHARD & MARILYN**  
**TUFTONBORO   Lake Winipесаaukee**

Requested Action:

Excavate 400 sq ft to construct an 18 ft x 17 ft perched beach with less than 10 cy of sand with a 4 ft access way to the lake, and relocate 32 sq ft of rock within the lakebed on Lake Winnepесаaukee, Tuftonboro.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com states they are going to investigate a possible CSPA violation

APPROVE PERMIT:

Excavate 400 sq ft to construct an 18 ft x 17 ft perched beach with less than 10 cy of sand with a 4 ft access way to the lake, and relocate 32 sq ft of rock within the lakebed on Lake Winnepесаaukee, Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by Allen Folsom dated March 21, 2006, as received by the Department on March 23, 2006.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
5. No rock shall be removed from the lakebed.
6. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
7. The steps installed for access to the water shall be located completely landward of the normal high water line.
8. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
9. This permit shall be used only once, and does not allow for annual beach replenishment.
10. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
11. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), construction of a beach.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has submitted information to the file showing the existing trees and building envelope thus addressing the local Conservation Commission concerns.

**2005-03033                      CAMPBELL, ROBIN, BARBARA & RICK**  
**MOULTONBOROUGH   Squam Lake**

Requested Action:

Construct an seasonal "F-shaped" 3 slip docking facility consisting of one 6 ft x 32 ft pier connecting two 6 ft x 22 ft finger piers on 365 ft of frontage in Moultonborough on Squam Lake.

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APPROVE PERMIT:

Construct an seasonal "F-shaped" 3 slip docking facility consisting of one 6 ft x 32 ft pier connecting two 6 ft x 22 ft finger piers on 365 ft of frontage in Moultonborough on Squam Lake.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group revise March 21, 2006, as received by the Department on March 27, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal piers shall be removed from the lake for four months during the non-boating season.
5. No portion of the piers shall extend more than 32 feet from the shoreline at full lake elevation.
6. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), construction of a docking system that exceeds the design and construction criteria discussed at Wt 402.01 for minimum impact docks classified under Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2006-00247                      NH DEPT OF TRANSPORTATION**  
**HILLSBOROUGH    Contocook River**

Requested Action:

Construct concrete inverts to repair an 11 ft. arch culvert and a 16 ft., 6 in. arch culvert temporarily impacting 1,800 sq. ft. of streams.

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Conservation Commission/Staff Comments:

River and Conservation Commissions - no comment

APPROVE PERMIT:

Construct concrete inverts to repair an 11 ft. arch culvert and a 16 ft., 6 in. arch culvert temporarily impacting 1,800 sq. ft. of streams. NHDOT project #14447.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 1/24/06, as received by the Department on February 3, 2006.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the

temporary siltation, erosion and turbidity control measures to be implemented.

3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Work shall be done during low flow.
10. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of banks of a stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**MINIMUM IMPACT PROJECT**

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**2005-01012                      MOHL, BRUCE**  
**ROCHESTER   Unnamed Wetland**

Requested Action:

Impact 2,956 square feet of wet meadow for the installation of a 18-inch by 40-foot culvert to provide access to (2) two single family residential lots as a common drive as part of a 4-lot subdivision of 21.98 acres.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Rochester Conservation Commission recommends denial of the project.

**DENY RECONSIDERATION:**

Impact 2,956 square feet of wet meadow for the installation of a 18-inch by 40-foot culvert to provide access to (2) two single family residential lots as a common drive as part of a 4-lot subdivision of 21.98 acres.

With Conditions:

1. All work shall be in accordance with plans by Norway Plains Associates, Inc. dated April 2005 and May 2005, as received by the Department on July 26, 2005.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. Work shall be done during low flow conditions.

6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This project is a minimum impact pursuant to Wt 303.04(f), alteration of less 3,000 square feet of jurisdictional scrub-shrub and wet meadow wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. A letter from the Rochester Conservation Commission (RCC) was received by the Wetlands Bureau on June 3, 2005. In the letter the RCC recommended denial of the project because access could be obtained elsewhere and avoid impacts to any jurisdictional area. In addition, the RCC requested the Bureaus consideration of Rochester's 50-foot wetlands buffer.
6. The Department finds the proposed location of the shared driveway is the least impacting alternative. Although the relocation of the driveway to the east of the wetland will not impact wetlands there is the possibility that the property owners will seek individual driveways at a later date to avoid using a shared driveway. Thereby, the current proposal is ultimately the least impacting alternative because only two properties will share this driveway and no further impacts will be needed.
7. In addition, the Wetlands Bureau does not mandate a setback or buffer from wetlands, therefore the Bureau cannot enforce Rochester's 50-buffer/ setback from a wetland.
8. A letter from John W. Hackett was received by the Wetlands Bureau on May 24, 2005. In summary, Mr. Hackett expresses the same concerns as the RCC as well as the increase of water run-off onto his property.
9. Upon field inspection by DES personnel on August 1, 2005 and review of the proposed topographic plan, the Bureau finds that the proposed impact will not adversely affect the Hackett property. Currently Mr. Hackett receives seasonal flooding and run-off from the hill located behind (southeast) his property. Also, being at the foot of the hill, Mr. Hackett is subject to flooding due to seepage from a high ground water table. The hydraulic pressure up gradient from the Hackett property influences the flooding in his back yard in the spring or during periods of heavy rainfall and run-off. The construction of the driveway through the wetland will not exacerbate flooding onto the Hackett property. The natural topography slopes easterly, away from his property. If the driveway were located closer to his property line, the run-off towards his property might increase, but the current proposal should carry flows generally away from the Hackett property.
10. In your letter to the DES Wetlands Bureau of August 26, 2005 requesting reconsideration of the approval of Wetlands permit #2005-01012, you state: "If an adequate swale or berm is put in alongside the community driveway it would allow water from rain and snow melt to travel to the road at which point there should be a culvert to receive it."
11. The DES notes that the Notice of Decision from the City of Rochester Planning and Development Department issued May 5, 2005 regarding this property as Case #250-6-A-05 under the section General and Subsequent Conditions states: "1) Submit grading plan for lot 6-3 to be approved by the City Engineer to ensure minimal impact on abutting lot 151 [Hackett]."
12. The DES therefore finds that the condition cited in #11 above provides adequate assurance that your concerns expressed in #10 above will be abated by enforceable regulations imposed by the City of Rochester.
13. In your letter of November 6, 2005 you stated that you believed a violation had occurred on the subject property on October 17, 2005 regarding work being done in wetlands in non-compliance with Project Specific Condition #5 of permit #2005-01012 requiring work to be done during low flow conditions.
14. On January 5, 2006 DES Wetlands Bureau staff conducted an inspection relative to this matter and determined that approximately 630 sq. ft. of unauthorized wetland disturbance had occurred on the subject property.
15. On January 13, 2006 the DES issued a notice requesting restoration to the owner of the subject property.
16. On January 27, 2006 the DES received a letter from Bruce E. Mohl providing an explanation for the wetlands impacts an ensuring that a Restoration Plan will be carried out per the request of the DES.
17. On January 27, 2006 the DES issued a Restoration Plan Approval regarding Wetland Bureau File #2005-01012, Mohl, Dry Hill Road, Rochester Tax Map 250/ Lot No. 6.
18. The issue brought forth in your Addendum to the appeal re: Wetlands Bureau File #2005-01012' dated November 30, 2005 has been addressed in findings 10,11 & 12 above.

19. On March 20, 2006 DES Wetlands Bureau Southeast Region staff Frank D. Richardson and Eben M. Lewis performed a thorough field inspection visiting the Mohl property and the location of the driveway wetlands crossing as well as the abutting Hackett property. This second field inspection corroborates finding # 9 above. The mown and rutted woods road which rises up the hillside behind the Hackett barn serves as an intermittent watercourse during heavy rainfall events directing the flow to the depression in the Hackett yard where the water ponds as shown in photos submitted by Mr. Hackett dated 10/15/05. The proposed driveway wetlands crossing location on the Mohl property as designed with a culvert directing flow away from and downhill of the Hackett property will not exacerbate the conditions on the Hackett property. In fact, under high flow conditions, the culvert placement and resulting flow channel may help abate the adverse conditions on the Hackett property.

20. Issues brought forth by the abutter John W. Hackett, 26 Dry Hill Road, Rochester, in requesting reconsideration of the issuance of NH DES Wetlands and Non-Site Specific Permit #2005-01012 have been duly considered in the review of this request and are found to provide no substantive evidence that this project would be deleterious to or have an adverse effect upon the current use of the abutting property, being that of John W. Hackett, 26 Dry Hill Road, Rochester Tax Map 251/ Lot No. 151.

**2005-02134                      PORTSMOUTH, CITY OF**  
**PORTSMOUTH   Piscataqua River**

**Requested Action:**

Amend permit to include removal of a portion of historic outfall pipe from the Piscataqua River, insert PVC sleeve into remaining outfall end, and stabilize bank surrounding outlet with rip rap, totalling less than 100 square feet of work.

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**Conservation Commission/Staff Comments:**

Conservation Commission signed the Expedited Application.

Inspection Date: 07/22/2005 by Eben M Lewis

**APPROVE AMENDMENT:**

Impact a total of 495 linear feet of the shoreline of the Piscataqua River, including; impact 455 linear feet of shoreline at six locations to repair and reconstruct the existing mortared stone masonry quaywalls and for replacement of riprap at Prescott Park; impact 40 linear feet of shoreline at one location for replacement of riprap at Four Tree Island; impact 100 square feet to remove a portion of historic outfall pipe from the Piscataqua River, insert PVC sleeve into remaining outfall end, and stabilize bank surrounding outlet with rip rap.

**With Conditions:**

1. AMENDED: All work shall be in accordance with plans by Appledore Marine Engineering, Inc. dated August 2005, as received by the Department on September 12, 2005, and per amended plans by Appledore Marine Engineering, Inc. dated 2/6/2006 as received by the Department on 3/15/2006; and per amended construction sequence and methods described by the City of Portsmouth Public Works Department letter dated 3/20/2006 as received on 3/20/2006.
2. All work shall be done during low tide and in the dry.
3. Construction equipment shall not be located within surface waters.
4. Any further alteration of wetlands on this property will require a new application and further permitting by Department of Environmental Services ("DES") Wetlands Bureau.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing, by mulching with tack or netting and pinning on slopes steeper than 3:1.

**With Findings:**

1. The additional work represents minimal environmental impact and does not change the previous finding of DES deeming this project as minimum impact based on the level of environmental impact.



**2005-02180                      THIBAUT TRUST, ALBERT**  
**AMHERST   Unnamed Stream Wetlands**

**Requested Action:**

Dredge and fill approximately 2,000 square feet of forested wetlands to construct two common driveways for access to six lots of a 21 lot subdivision. Work to include installation of two crossings, one crossing containing a 18 inch x 35 foot ADS culvert and one crossing containing a 24 inch x 38 foot ADS culvert with associated grading, rip rap outlet protection and culvert headwalls.

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**Conservation Commission/Staff Comments:**

The Conservation Commission did not submit comments.

**APPROVE PERMIT:**

Dredge and fill approximately 2,000 square feet of forested wetlands to construct two common driveways for access to six lots of a 21 lot subdivision. Work to include installation of two crossings, one crossing containing an 18 inch x 35 foot ADS culvert and one crossing containing a 24 inch x 38 foot ADS culvert with associated grading, rip rap outlet protection and culvert headwalls. The project will also provide access from the proposed Odell Drive to an adjacent lot, identified as Tax Map 6, Lot 33. In addition, 35 feet of frontage identified as "Parcel A" is being provided from Lot 33 to the proposed Whiting Farm Drive.

**With Conditions:**

1. All work shall be in accordance with plans prepared by Jones & Beach Engineers, Inc., plan sheets 1, 2, 4, 5, 6, 8 and 10 through 33 of 33 revision dated December 22, 2005 as received by the Department on January 4, 2006 and revised plan sheets 3, 9 and 11 of 37 and revised plan sheet 27 of 35, revision dated January 30, 2006 as received by the Department on March 8, 2006 and narratives by West Environmental, Inc., dated September 2005 as received by the Department on September 16, 2005 and narrative dated December 28, 2005 as received by the Department on January 4, 2006 and narrative dated March 6, as received by the Department on March 8, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit is contingent on approval by the DES Site Specific Program.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
7. The proposed 35 foot frontage area identified as "Parcel A" between Lots 6-79-12 and 6-79-13 shall only be used for frontage from Whiting Farm Drive to Lot 33 (previously Lots 33 and 35-4). There shall be no proposed or future impacts to wetlands or surface waters within the frontage area.
8. Work shall be done during low flow.
9. Orange construction fencing shall be placed at the limits of construction directly adjacent to wetlands and surface waters to prevent accidental encroachment.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

**With Findings:**

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet in swamps or wet meadows.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The New Hampshire Fish & Game Department did not submit comments regarding this project.
6. This permit is contingent on approval by the DES Site Specific Program.
7. The proposed subdivision will provide access to an adjacent lot, identified as Tax Map 6 Lot 33. There shall be no impacts to wetlands or surface waters for the proposed access.
8. The Department did not receive comments from abutting property owners.

**2005-02920                      DREAM MAKERS LLC**  
**SANDWICH   Unnamed Wetland**

**Requested Action:**

Dredge and fill approximately 1500 square feet of wetlands to install a 15-inch x 20-foot HDPE culvert and retain 895 square feet of wetlands fill and 18-inch CMP culvert for driveway access to a single family residence.

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**APPROVE PERMIT:**

Dredge and fill approximately 1500 square feet of wetlands to install a 15-inch x 20-foot HDPE culvert and retain 895 square feet of wetlands fill and 18-inch CMP culvert for driveway access to a single family residence.

**With Conditions:**

1. All work shall be in accordance with plans by True Engineering Inc. dated December 09, 2005, as received by the Department on January 23, 2006 and revised plans dated December 09, 2005, as received by the Department on March 27, 2006.
2. This permit is contingent on Subsurface Systems Bureau approval.
3. Work shall be done in low flow conditions.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Culverts shall be laid at original grade.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), alteration of less 3,000 square feet of wetlands for driveway access to a single family residence.
2. Existing logging road crossings upgraded or retained.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2006-00390                      NH DEPT OF TRANSPORTATION**  
**GORHAM   Moose Brook**

Requested Action:

Rehabilitate bridge temporarily impacting 45 sq. ft. of scrub shrub wetland and 2,755 sq ft. of brook bed to set scaffolding.

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Conservation Commission/Staff Comments:

Cons. Comm. no comments

APPROVE PERMIT:

Rehabilitate bridge temporarily impacting 45 sq. ft. of scrub shrub wetland and 2,755 sq ft. of brook bed to set scaffolding.

NHDOT project 14204.

With Conditions:

1. All work shall be in accordance with plans by NHDOT revised 2/15/06 as received by the Department on February 23, 2006.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
3. Construction equipment shall not be located within surface waters.
4. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
6. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
7. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

**2006-00398 COLBATH, DAVID**  
**MEREDITH Lake Winnepesaukee**

Requested Action:

Construct a 6 ft by 50 seasonal dock connected to a 7 ft by 3 ft concrete pad providing for two boatslips on an average of 100 ft of frontage on Lake Winnepesaukee, Meredith.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Construct a 6 ft by 50 seasonal dock connected to a 7 ft by 3 ft concrete pad providing for two boatslips on an average of 100 ft of frontage on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by Terry Graham, as received by the Department on February 24, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. The concrete pad shall be located entirely landward of full lake elevation and behind the natural undisturbed shoreline.
7. Seasonal pier shall be removed from the lake for the non-boating season.

8. No portion of the pier shall extend more than 50 feet from the shoreline at full lake elevation.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), construction of a seasonal dock.

**2006-00452                      DICROCE REALTY TRUST, MICHAEL DICROCE**  
**FREMONT   Unnamed Wetland**

Requested Action:

Restoration of previous forestry activities.

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PBN DISQUALIFIED:

DES cannot approve restorations with the PBN process.

**FORESTRY NOTIFICATION**

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**2006-00577                      RIDGEWOOD COMMONS OF WILMOT**  
**WILMOT   Unnamed Stream**

COMPLETE NOTIFICATION:

Wilmot Tax Map 11, Lot# 44

**2006-00580                      TESSIER, PAUL**  
**COLUMBIA   Unnamed Stream**

COMPLETE NOTIFICATION:

Columbia Tax Map 406, Lot# 55

**2006-00608                      GLAZIER, DAVID**  
**WOLFEBORO   Unnamed Stream**

COMPLETE NOTIFICATION:

Wolfeboro Tax Map 116, Lot# 5

**EXPEDITED MINIMUM**

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**2005-02513                      MORAN, SUSAN**  
**HAMPTON   Atlantic Ocean**

Requested Action:

Amend Permit description to read: In-kind repair of an existing 52-foot seawall by refacing the wall with an additional 4-inches of concrete on the Atlantic Ocean with 52 feet of shoreline frontage.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Hampton Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE AMENDMENT:

Amend Permit description to read: In-kind repair of an existing 52-foot seawall by refacing the wall with an additional 4-inches of concrete on the Atlantic Ocean with 52 feet of shoreline frontage.

With Conditions:

1. All work shall be in accordance with Sea Wall Replacement Plan (Sheet S-1) by Alex Ross dated March 25, 2005 revised through October 6, 2005 , as received by the Department on October 17, 2005.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
5. Work shall be done during low tide only.
6. Construction equipment shall enter the site from the public beach access to the north of the site.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Repair shall maintain existing size, location and configuration.
9. ADDED CONDITION: Additional width of the wall shall not exceed 6 inches.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(c) Repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration. If a wall is to be refaced such additional width shall not exceed 6 inches.
2. Per Wt 302.01, the need for the proposed impacts has been demonstrated by the applicant, as the existing seawall is in disrepair and not repairing the seawall would result in the erosion of the applicants frontage.
3. Per Wt 302.03, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction, as the proposed seawall is an in-kind replacement of the existing seawall.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. In accordance with Wt 304.04, the application obtained written concurrence from those abutters within 20-foot of their property for the proposed impacts.
6. NH Natural Heritage Bureau (NHNHB) has record of three state threatened plant species within the project vicinity, Beach Grass (*Ammophila breviligulata*), Sand Drop-Seed (*Sporobolus cryptandrus*), and Tall Wormwood (*Artemisia campestris*).
7. DES finds that none of the NHNHB identified items will be impacted as a result of this project, as the property is currently fully developed and does not support the listed plant species.

**2005-02956                      EMC REALTY TRUST, ELLEN & FRANCIS CHASE TST**  
**HOPKINTON   Unnamed Wetland**

Requested Action:

Dredge and fill 2400 square feet of palustrine forested wetland including installation of an 18-inch x 48 foot culvert for access in the subdivision of 22.92 acres into 6 single family residential lots.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The conservation commission signed this minimum impact expedited application.

APPROVE PERMIT:

Dredge and fill 2400 square feet of palustrine forested wetland including installation of an 18-inch x 48 foot culvert for access in the subdivision of 22.92 acres into 6 single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by Gerrit Consulting dated December 14, 2004, and revised through February 2, 2006, as received by the Department on February 8, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Work shall be done during low flow.
8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. Silt fencing must be removed once the area is stabilized.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2005-02962**

**MATHEWSON, PHILIP & KRISTEN**

**HANCOCK Unnamed Wetland**

Requested Action:

Dredge 8,085 square feet of palustrine forested and scrub-shrub wetlands to create a 15,500 square foot wildlife pond and associated berm and spillway.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Conservation Commission signed the application but did not submit comments.

**APPROVE PERMIT:**

Dredge 8,085 square feet of palustrine forested and scrub-shrub wetlands to create a 15,500 square foot wildlife pond and associated berm and spillway.

**With Conditions:**

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated January 31, 2006 (revised), as received by the DES Wetlands Bureau on March 10, 2006 and plans illustrating the proposed pond location received on March 10, 2006.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. All work shall be done during low flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Dredged material shall be dewatered in sedimentation basins located outside of the jurisdiction of the DES Wetlands Bureau. The dewatering area shall be lined with siltation and erosion controls to prevent runoff from entering jurisdictional areas.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
11. Faulty equipment shall be repaired prior to entering jurisdictional areas.
12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
13. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Wt 303.04(p), construction of a pond with less than 20,000 sq. ft. of wetlands impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The applicant has proposed the construction of a pond to diversify the local wetland complex by providing open water habitat.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The soil in which the pond construction is proposed is poorly drained.
6. There are no streams flowing into or out of the proposed pond site.
7. The proposed berm and spillway is not considered a dam per DES Dam Bureau rules.
8. The subject property has a conservation easement to the Harris Center for Conservation Education. The Harris Center reviewed the plans for the pond with the applicant and submitted a letter to the DES Wetlands Bureau (received January 25, 2006) stating that the proposed pond does not violate any clause in the conservation easement and that the Harris Center views this pond as a wildlife enhancement project and supports the State issuing a permit.
9. The proposed pond location is approximately 850 feet east of the property boundary with the Carpenter's Marsh State Wildlife Management Area managed by the NH Fish and Game Department.

**2006-00330 WILLIAMS, ROBERT**  
**BARRINGTON Mendum Pond**

Requested Action:

Install a 4 ft by 24 ft seasonal dock on 60 ft of frontage on Mendum's Pond, Barrington.

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Conservation Commission/Staff Comments:

Con Com signed Exp Application

NH NHI and NH Fish and Game will not be submitting comments

APPROVE PERMIT:

Install a 4 ft by 24 ft seasonal dock on 60 ft of frontage on Mendum's Pond, Barrington.

With Conditions:

1. All work shall be in accordance with plans, as received by the Department on February 17, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 24 feet from the shoreline at full lake elevation.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), construction of a dock.

**2006-00332                      FRANKLIN, CITY OF**  
**FRANKLIN    Unnamed Pond**

Requested Action:

Dredge and fill 500 square feet for installation of a dry hydrant in an existing fire pond.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The conservation commission supports the proposed application.

APPROVE PERMIT:

Dredge and fill 500 square feet for installation of a dry hydrant in an existing fire pond.

With Conditions:

1. All work shall be in accordance with plans by RCS Designs dated October 11, 2005, as received by the Department on February 17, 2006.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Work shall be done during drawdown.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Area of temporary impact shall be regraded to original contours following completion of work.
7. Mulch within the restoration area shall be straw.
8. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.



9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(m), projects that disturb less than 50 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Wt 303.03 or Wt 303.02.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2006-00405                      JENKS, PETER & COLLEEN**  
**CENTER SANDWICH   Drainage Swale**

Requested Action:

Dredge and fill 721 square feet of wetlands to install two 15-inch x 28-foot culverts for driveway access to a single family residence.

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APPROVE PERMIT:

Dredge and fill 721 square feet of wetlands to install two 15-inch x 28-foot culverts for driveway access to a single family residence.

With Conditions:

1. All work shall be in accordance with plans by     Ecosystems Management Consultants dated February 2006, as received by the Department on February 27, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work shall be done in low flow conditions.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culverts shall be laid at original grade.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), alteration of less than 3,000 square feet of wetlands for driveway access to a single family residence.
2. Access was not proposed north of the wetlands because of existing drainage, steep slopes, rock outcrop, and surface stones.
3. The proposed access utilizes an existing woods road.
4. No comments/concerns were submitted from the Sandwich Conservation Commission, the NH Fish and Game Department, or the Natural Heritage Bureau.
5. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

7. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2006-00419                      BULLARD IV, BENJAMIN**  
**SANDWICH   Unnamed Wetland**

**Requested Action:**

Dredge and fill approximately 973 square feet of palustrine forested wetlands to install a approximate 15-inch x 28-foot culvert for driveway access to a single family residence.

\*\*\*\*\*

**APPROVE PERMIT:**

Dredge and fill approximately 973 square feet of palustrine forested wetlands to install a approximate 15-inch x 28-foot culvert for driveway access to a single family residence.

**With Conditions:**

1. All work shall be in accordance with plans by Ecosystems Management Consultants as received by the Department on March 01, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work shall be done in low flow conditions.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culverts shall be laid at original grade.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), installation of a culvert and associated fill to permit vehicular access to a piece of property for a single family building lot.
2. The wetland transverses the entire portion of the lot abutted by the right of way.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2006-00434                      GENDRON REVOC TRUST OF 2003, BARRY & TARA**  
**NEW DURHAM   Merrymeeting Lake**

**Requested Action:**

Construct a 6 ft by 36 ft seasonal dock attached to a 7 ft by 3 ft concrete pad located behind full lake elevation providing two boatslips on an average of 102 ft of frontage on Merrymeeting Lake, New Durham.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

Con Com signed Exp Application

**APPROVE PERMIT:**

Construct a 6 ft by 36 ft seasonal dock attached to a 7 ft by 3 ft concrete pad located behind full lake elevation providing two boatslips on an average of 102 ft of frontage on Merrymeeting Lake, New Durham.

**With Conditions:**

1. All work shall be in accordance with plans by K Armstrong dated February 16, 2006, as received by the Department on March 2, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. The concrete pad shall be located behind full lake elevation and entirely behind the natural undisturbed shoreline.
6. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
7. Seasonal pier shall be removed from the lake for the non-boating season.
8. No portion of the pier shall extend more than 36 feet from the shoreline at full lake elevation.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

**With Findings:**

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), construction of a seasonal dock.
2. The Loon Preservation Committee has no concerns about the proposed project.

**2006-00438                      LAKE, F DAVID/P  
MOULTONBOROUGH    Squam Lake**

**Requested Action:**

Permanently remove an existing 5 ft by 22 ft seasonal dock and install a 6 ft by 24 ft seasonal dock attached to a 7 ft by 3 ft concrete pad providing two boatslips on an average of 178 ft of frontage on Squam Lake, Moultonboro.

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**Conservation Commission/Staff Comments:**

Con Com signed Exp Application

**APPROVE PERMIT:**

Permanently remove an existing 5 ft by 22 ft seasonal dock and install a 6 ft by 24 ft seasonal dock attached to a 7 ft by 3 ft concrete pad providing two boatslips on an average of 178 ft of frontage on Squam Lake, Moultonboro.

**With Conditions:**

1. All work shall be in accordance with plans by K Armstong dated February 14, 2006, as received by the Department on March 2, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. The concrete pad shall be located entirely behind the natural undisturbed shoreline.
6. Seasonal pier shall be removed from the lake for the non-boating season.
7. No portion of the pier shall extend more than 24 feet from the shoreline at full lake elevation.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), construction of a seasonal dock.

**2006-00455**

**USDA FOREST SERVICE, WHITE MTN. NAT'L FOREST**

**SHELBURNE Connor Brook**

Requested Action:

Place downed trees and wood in 0.5 miles of unstable roads and skid trails and 2.5 miles of perennial tributaries in the Connor Brook watershed to stabilize the upper reaches of the watershed (Phase I). Approximately 300 to 500 pieces of wood will be applied per linear mile.

\*\*\*\*\*

APPROVE PERMIT:

Place downed trees and wood in 0.5 miles of unstable roads and skid trails and 2.5 miles of perennial tributaries in the Connor Brook watershed to stabilize the upper reaches of the watershed (Phase I). Approximately 300 to 500 pieces of wood will be applied per linear mile.

With Conditions:

1. All work shall be in accordance with plans by the USDA White Mountain National Forest Service, as received by the Department on March 03, 2006.
2. Construction shall be inspected daily by a qualified biologist and/or forester to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. Work shall be done during low flow and between the months of May through September.
5. All in-stream work shall be conducted in a manner to minimize turbidity and sedimentation to surface waters and shall be conducted in a manner so as to minimize the duration of construction in the watercourse.
6. If applicable, appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during construction.
8. If applicable, wetland areas that are temporarily disturbed shall be regraded and seeded with a wetland seed mix upon completing the stream restoration project.
9. The permittee shall conduct a follow-up inspection after the first and second growing seasons, to review the success of the restoration project and schedule remedial actions if necessary. Photo documentation and a brief report shall be submitted to the Wetlands Bureau by December 1st of each year.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(o), projects deemed minimum impact by the Department based on the degree of the environmental impact.
2. The placement of trees in unstable roads and skid trails will raise the elevation and eliminate channels running down roads/trails.
3. The placement of trees in tributaries will stabilize stream beds and banks.
4. The next phase (phase II-final) of the Connor Brook watershed restoration project will complete project goals, which include 2.5 miles of road stabilization with the construction of waterbars and the placement of downed trees and channel stabilization/habitat improvement with the addition of large woody material in up to 8.5 miles of headwater stream channels to increase channel stability and improve habitat for aquatic organisms.
5. No Comments from the NH Natural Heritage Bureau or the NH Fish and Game Department.
6. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

## GOLD DREDGE

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**2006-00595                      LEBLANC, DAVID**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
cc:Bath Con Comm

COMPLETE NOTIFICATION:  
Gold Dredge

## TRAILS NOTIFICATION

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**2006-00353                      DRED**  
**TAMWORTH   Paugus Brook**

Conservation Commission/Staff Comments:  
Applicant would need an Expedited for removal of bridge abuttmets. If a bridge goes bank to bank no permit would be needed.  
Asked applicant to send letter saying bridge will go bank to bank, if club decided to go that way.

COMPLETE NOTIFICATION:  
Tamworth Tax Map 406, lot# 40

## LAKES-SEASONAL DOCK NOTIF

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**2006-00593                      WRIGHT, CHARLES**  
**HEBRON   Unnamed Wetland Newfound Lake**

COMPLETE NOTIFICATION:  
Seasonal Dock - Hebron NH                      Tax Map#7 Lot#HP,sublot 13 Newfound Lake

**2006-00594                      PUSATERI, JOHN**  
**OSSIPEE   Unnamed Wetland Ossipee Lake**

COMPLETE NOTIFICATION:  
Seasonal Dock - Ossipee NH Tax Map#44  
Lot#18 Ossipee Lake

**2006-00598 KOZIKOWSKI, MARK / MARYBETH  
NEWBURY Unnamed Wetland Chalk Pond**

COMPLETE NOTIFICATION:

Seasonal Dock - Newbury NH Tax Map#29A  
Lot#024-433 Chalk Pond

**2006-00609 SMITH, JOANN  
TUFTONBORO Unnamed Wetland Big Dam Hole Pond**

COMPLETE NOTIFICATION:

Seasonal Dock - Rye NH Tax Map#35 Lot#19  
Block#1982 Big Dam Hole Pond

**2006-00610 MILLS REV TRUST 2002, ELAINE / LESLIE  
HEBRON Unnamed Wetland Newfound Lake**

COMPLETE NOTIFICATION:

Seasonal Dock - Hebron NH Tax Map#7 Lot#7-22-1  
Newfound Lake

**2006-00615 ERIC & ELLEN NICKERSON FAMILY TRUST  
WINDHAM Unnamed Wetland Canobie Lake**

COMPLETE NOTIFICATION:

Seasonal Dock - Windham NH Tax Map#18-L  
Lot#667 Canobie Lake

**SHORELAND VARIANCE / WAIV**

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**2005-02262 DELORI, FRANCOIS & ROSAMOND  
NELSON Silver Lake**

Requested Action:

Maintain the nonconforming primary structure's setback at 25 feet from the reference line, increase the ridgeline height from 16 feet to 19 feet, and increase the nonconforming primary structure's footprint within the primary building setback from 1152 square feet to 1578 square feet.

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Inspection Date: 10/18/2005 by Heather S Dionne

APPROVE CSPA WAIVER:

Maintain the nonconforming primary structure's setback at 25 feet from the reference line, increase the ridgeline height from 16 feet to 19 feet, and increase the nonconforming primary structure's footprint within the primary building setback from 1152 square feet to 1578 square feet.

With Conditions:

1. All work shall be conducted in accordance with plans as received by the department on September 2, 2005.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. And shall be implemented according to the plans submitted to DES on February 21, 2006 by June 1, 2007.
5. This approval does not allow lakeward expansion of the primary structure.
6. During construction of the non-conforming residence, the applicant shall upgrade the existing septic system according to Subsurface approval number CA2005074601.
7. No open deck or porch constructed shall extend more than 12 feet towards the reference line.
8. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
10. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
11. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 foot primary building setback to Silver Lake and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The Subsurface Systems Bureau has approved the system for the property on August 15, 2005, in accordance with approval number CA2005074601.
4. The applicant has proposed to install a new septic system and plant native plantings along the shoreline, therefore meeting the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, II.

**2005-02683 CHAMPAGNE, NORMAND & JUNE**

**BELMONT Lake Winnisquam**

Requested Action:

Increase the nonconforming primary structure's setback from 24 feet to 44 feet from the reference line, Increase the ridgeline height from 16 feet to 26 feet, and decrease the nonconforming primary structure's footprint within the primary building setback from 720 square feet to 150 square feet.

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Inspection Date: 11/18/2005 by Heather S Dionne

APPROVE CSPA WAIVER:

Increase the nonconforming primary structure's setback from 24 feet to 44 feet from the reference line, Increase the ridgeline height from 16 feet to 26 feet, and decrease the nonconforming primary structure's footprint within the primary building setback from 720 square feet to 150 square feet.

With Conditions:

1. All work shall be conducted in accordance with plans as received by the department on November 8, 2005.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited. DES received and approved a planting plan on March 1, 2006. The plantings shall be completed by June 31, 2007.
5. This approval does not allow lakeward expansion of the primary structure.
6. No open deck or porch constructed shall extend more than 12 feet towards the reference line.
7. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
9. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
10. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 foot primary building setback to Lake Winnisquam and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The applicant has proposed to install native plantings along the shoreline by June 31, 2007 in accordance to plans received by DES on March 1, 2006 and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, II.

**2006-00151                      GODDARD, WILLIAM**  
**WOLFEBORO   Lake Winnepesaukee**

Requested Action:

Increase the nonconforming primary structure's footprint from 1200 square feet to 1310 square feet and increase the ridgeline height from 17 feet 7 inches to 28 feet within the primary building setback.

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Inspection Date: 02/16/2006 by Heather S Dionne

APPROVE CSPA WAIVER:

Increase the nonconforming primary structure's footprint from 1200 square feet to 1310 square feet and increase the ridgeline height from 17 feet 7 inches to 28 feet within the primary building setback.

With Conditions:

1. All work shall be conducted in accordance with plans as received by the department on January 26, 2006 and March 1, 2006.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. The nonconforming primary structure's setback shall be no less than 5 feet.
4. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
5. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding



properties and shall be consistent with the planting plans received by DES on January 26, 2006. The plantings shall be completed by May 30, 2007. Planting invasive or exotic species is strictly prohibited.

6. The applicant has proposed to remove a shed which is 96 square feet, and replace a retaining wall made of creosote timbers with granite.

7. This approval does not allow lakeward expansion of the primary structure.

8. During the proposed construction, the non-conforming residence shall tie in to the existing septic system approved by DES on August 27, 1996, with approval number CA1996004433A.

9. No open deck or porch constructed shall extend more than 12 feet towards the reference line.

10. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

11. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.

12. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.

13. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

#### With Findings:

1. The existing non-conforming residence is located within the 50 foot primary building setback to Lake Winnepesaukee and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.

2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."

3. The Subsurface Systems Bureau has approved the system for the property on August 27, 1996, in accordance with approval number CA1996004433A.

4. The applicant has proposed to Plant NH native species along the shoreline, replace a creosote timber retaining wall with granite, and remove a shed, therefore meeting the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, II.

**2006-00229                      SHOPLAND, RUSSELL & LINDSAY**  
**ENFIELD   Crystal Lake**

#### Requested Action:

Increase the footprint of a nonconforming primary structure from 520 square feet to 762 square feet.

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Inspection Date: 02/09/2006 by Heather S Dionne

#### APPROVE CSPA WAIVER:

Increase the footprint of a nonconforming primary structure from 520 square feet to 762 square feet.

#### With Conditions:

1. All work shall be conducted in accordance with plans as received by the department on March 8, 2006 and February 6, 2006.

2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.

3. The nonconforming primary structure's setback shall be maintained at no less than 25 feet and the ridgeline height shall be no greater than 21 feet.

4. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.

5. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding

properties. Planting invasive or exotic species is strictly prohibited. Native plantings shall be planted along the shoreline in accordance to plans received by DES on February 27, 2006 and shall be installed by September 15, 2006.

6. This approval does not allow lakeward expansion of the primary structure.
7. No open deck or porch constructed shall extend more than 12 feet towards the reference line.
8. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
10. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
11. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 foot primary building setback to Crystal Lake and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The applicant has proposed to plant native plantings along the shoreline as recieved by DES on February 27, 2006, with implementation by September 15, 2006 and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, II.

**2006-00258                      DARLING, THOMAS**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Replace the existing sunroom with an insulated/floor heated sunroom, and construct a cathedral roof at right angles to the existing house roof at the same pitch and height to shed snow loads and allow a bathroom on the second floor.

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Inspection Date: 02/16/2006 by Heather S Dionne

APPROVE CSPA WAIVER:

Replace the existing sunroom with an insulated/floor heated sunroom, and construct a cathedral roof at right angles to the existing house roof at the same pitch and height to shed snow loads and allow a bathroom on the second floor.

With Conditions:

1. All work shall be conducted in accordance with plans as received by the department on February 13, 2006.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. The nonconforming primary structure's setback shall be no less than 32 feet and the ridgeline height shall be no greater than 21 feet.
4. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
5. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited. The applicant submitted plans received by DES on March 7, 2006 for native platings along the shoreline. Implementation of these plans shall occur by April 15, 2007.
6. This approval does not allow lakeward expansion of the primary structure.

7. No open deck or porch constructed shall extend more than 12 feet towards the reference line.
8. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
10. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
11. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 foot primary building setback to Lake Winnepesaukee and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The Subsurface Systems Bureau approved a system for the property on December 6, 2005, in accordance with approval CA2005077512.
4. The applicant has proposed to implement plantings in accordance to plans submitted to DES on March 7, 2006 therefore meeting the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, II.

**2006-00351                      ETTINGER, THOMAS**  
**MADISON   Silver Lake**

Requested Action:

Construct a septic system 75 feet from the reference line.

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APPROVE CSPA VARIANCE:

Construct a septic system 75 feet from the reference line.

With Conditions:

1. All work shall be conducted in accordance with plans by H.E. Bergeron Engineers, P.A. dated February 10, 2006 and received by the department on February 22, 2006.
2. This variance shall not be effective until it has been recorded at the appropriate county registry of deeds office by the Permittee. A copy of the registered approval shall be submitted to the DES Wetlands Bureau prior to construction.
3. A copy of this variance shall be posted in a prominent location on site during construction, visible to inspecting personnel.
4. This variance does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.
5. This variance is contingent upon approval of the septic system by the DES Subsurface Systems Bureau, approval number CA2006079046 on February 22, 2006.
6. This variance does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
7. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The septic system is proposed to be installed within the septic setback to Silver Lake in Madison and therefore fails to conform

to a minimum standard set forth in RSA 483-B:9, V of the Comprehensive Shoreland Protection Act.

2. In accordance with RSA 483-B:9, V(g), "the commissioner shall have the authority to grant variances from the minimum standards of this section. Such authority shall be exercised subject to the criteria which govern the grant of a variance by a zoning board of adjustment under RSA 674:33, I(b)."

3. A special condition of the land coupled with the septic setback would prohibit the property owner from replacing the existing septic holding tank with a new improved septic system.

4. The installation of a new improved septic system will better protect the public waterbody and therefore be consistent with the intents of the statute.

5. The proposed project will not injure the public or private rights of others.

6. Granting the variance will be consistent with the public interest as the existing septic system is outdated and a potential health hazard.

7. Granting the variance will do substantial justice by allowing the property owner to maintain and enjoy a significant property right while upholding the spirit of the CSPA and preserving the private rights and interests of the public.

#### ROADWAY MAINTENANCE NOTIF

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**2006-00596                      NH DEPT OF TRANSPORTATION**  
**DOVER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Roadway - Replacing Culvert

#### PERMIT BY NOTIFICATION

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**2006-00511                      NH DEPT OF TRANSPORTATION**  
**HAVERHILL   Oliverian Brook**

Requested Action:  
Remove deteriorated concrete and replace on abutment corners and reface concrete arch.  
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PBN IS COMPLETE:  
Remove deteriorated concrete and replace on abutment corners and reface concrete arch. NHDOT project #9903V.

**2006-00525                      CHANDLER, WILLIAM**  
**HAMPSTEAD   Sunset Lake /wash Pond**

Requested Action:  
Repair/Replace existing retaining wall "in-kind"  
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PBN IS COMPLETE:  
Repair/Replace existing retaining wall "in-kind"

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

**2006-00616                      CAMP SPOFFORD FREE CHURCH**  
**SPOFFORD   Spofford Lake**

Requested Action:

Replenish 10,350 sq ft beach with 50 cu yd of sand.

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PBN DISQUALIFIED:

Replenish 10,350 sq ft beach with 50 cu yd of sand.

With Findings:

This project has been disqualified on the basis that the proposed replenishment exceeds 10 cu yd in accordance with 303.04(aa).